



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
)
Toru TESHIMA) Group Art Unit: 2682
)
Serial No.: 09/812,952) Examiner: Sanh D. PHU
)
Filed: March 27, 2001)
)
For: APPARATUS AND METHOD FOR)
DELIVERY OF ADVERTISEMENT)
INFORMATION TO MOBILE UNITS)

RESPONSE TO OFFICE ACTION OF AUGUST 12, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the office action of August 12, 2004.

A certified copy of Japanese Application No. 2000-151600, filed May 23, 2000, has today been filed with a separate covering paper, a copy of which is attached hereto. Further, in order to establish applicants' right to rely upon their claim to a priority date of May 23, 2000 under 35 USC 119, submitted herewith is a Verified Translation of Japanese Application No. 2000-151600 filed May 23, 2000.

A petition for a three month extension of time has today been filed as a separate paper and a copy is attached hereto.

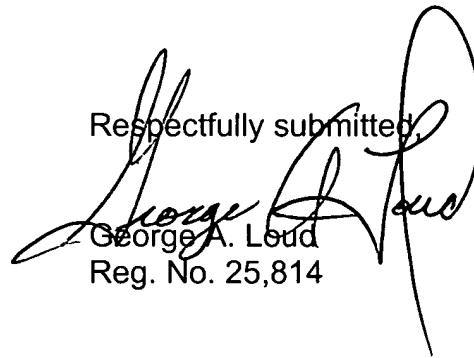
The rejection of claims 1, 3-12 and 26 for anticipation by U.S. 6,754,485 - Obradovich et al and the rejection of claim 2 for obviousness over Obradovich et al in view of U.S. 6,647,257 - Owensby are respectfully traversed for the reason that Obradovich et al is not prior art against the present invention.

On its face, the Obradovich patent shows that it is related to two U.S. provisional applications filed December 23, 1998 and January 28, 1999, respectively. A PCT application was then filed, perhaps claiming priority of the two provisional U.S. applications. The PCT application was filed December 6, 1999. Subsequently, the U.S. national phase was initiated, effective August 23, 2000 when the §371 requirements were completed. It is important to note that the Obradovich PCT application was filed December 6, 1999, a date prior to November 29, 2000 when the AIPA amendments became effective. Accordingly, it appears that the effective date of the Obradovich patent, as a reference, is August 23, 2000. Note section III of MPEP 2136.03, which states that, in the case of international applications filed prior to November 29, 2000, the international application "may not be used to reach back (bridge) to an earlier filing date through a priority or benefit claim for prior art purposes under 35 USC 102(e)." Accordingly, the Obradovich patent, as a reference, is not entitled to the filing dates of the provisional applications. Attention is also directed to MPEP 2136.03 IIC which confirms that for U.S. patents based on international applications filed prior to November 29, 2000, the effective date under 35 USC 102(e) is "the date of completion of the requirements of 35 USC 371 (c)(1)(2) and (4)."

Bearing in mind that the effective date of Obradovich, as a reference, is August 23, 2000, note that the priority date of May 23, 2000 claimed for this application is prior to the effective date of Obradovich.

Accordingly, it is respectfully requested that the rejections be reconsidered and withdrawn.

Respectfully submitted,



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Dated: February 7, 2005

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